

**REMARKS**

Claims 1-3, 5, 6, 10 and 11 are all the claims pending in the application.

Claim 8 and 9 are canceled in favor of claims 10 and 11. Claims 10 and 11 are identical to claim 8 and 9, respectively, except for the change of "succinimyzyloxycarbonyl" to --succinimidyloxycarbonyl--. Claims 8 and 9 included brackets as part of the chemical formulae therein. Therefore, new claims 10 and 11 were presented to avoid any possible confusion by adding brackets to claims containing brackets.

**I. Statement of Interview**

The Office Action dated December 4, 2003 contains an attached Examiner's an Interview Summary Form.

A personal interview was conducted at the USPTO on September 9, 2003. During the interview, the Examiner's concept of the structural formula for 4-[2-(succinimidyloxycarbonyl)ethyl]phenyl-10-methylacridinium-9-carboxylate fluorosulfate was discussed. Additionally, the differences between the compound 4-[2-(succinimidyloxycarbonyl)ethyl]phenyl-10-methylacridinium-9-carboxylate fluorosulfate and the compound illustrated by formula (2) of claims 2 and 5 were discussed. In particular, the groups in the R<sub>14</sub> and R<sub>18</sub> positions were discussed.

It was agreed during the interview that claims 8 and 9 should properly be independent claims.

**II. Paragraph 4 of the Office Action - Claims 8 and 9**

In Paragraph 4 of the Office Action, the Examiner states that the spelling of the spelling of the term "succinimidylloxycarbonyl" should be corrected in claims 8 and 9.

Applicants have replaced claims 8 and 9 with claims 10 and 11 to make the change as requested by the Examiner.

**III. Paragraph 1 of the Office Action - The Reissue Oath/Declaration**

The Examiner states that the reissue oath/declaration is defective because "[t]he reissue declaration fails to state that the persons signing have reviewed and understand the claims as amended by any amendment specifically referred to in the declaration. See 37 CFR 1.63(b)([2])" (emphasis in original).

The Examiner further states that a supplemental reissue declaration is required.

Applicants respectfully traverse the Examiner's objection to the reissue oath/declaration.

The Reissue Declaration clearly states: "we have reviewed and understand the contents of the specification, including the Preliminary Amendment filed March 8, 2001" (emphasis added). See the Reissue Declaration, page 1, the penultimate paragraph. Therefore, we believe that the Reissue Declaration meets the requirements of 37 C.F.R. §1.63(b)(2).

Further, after much difficulty relating to the deceased inventor, including a Petition, the Reissue Declaration was approved by Douglas I. Wood, Petitions Attorney, Office of Petitions, Office of the Deputy Commissioner for Patent Examination Policy. Thus, after careful review, the Reissue Declaration was already approved by the USPTO Office of Petitions, Office of the Deputy Commissioner for Patent Examination Policy.

AMENDMENT IN REISSUE UNDER 37 C.F.R. § 1.173  
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Therefore, Applicants respectfully submit that the Reissue Declaration meets the requirements of 37 C.F.R. §1.63(b)(2).

**IV. Paragraph 2 of the Office Action- Submission of the Original Patent**

The original Letters Patent is attached.

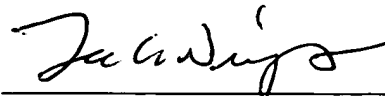
**V. Conclusion**

In view of the above, Applicants respectfully submit that their claimed invention is allowable and ask that the objection to the reissue oath/declaration be reconsidered and withdrawn. Applicants respectfully submit that this case is in condition for allowance and allowance is respectfully solicited.

If any points remain at issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the local exchange number listed below.

Applicants hereby petition for any extension of time which may be required to maintain the pendency of this case. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

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